

## **REMARKS**

The Office Action of June 14, 2005 has been received and its contents carefully considered.

The present Amendment cancels dependent claims 2 and 7, and transfers their subject matter to independent claims 1 and 6, respectively. The Amendment also revises claim 3 to depend from claim 1 instead of claim 2, and likewise revises claim 8 to depend from claim 6 rather than claim 7.

Section 2 of the Office Action rejects all of the independent claims (and most of the dependent claims) for anticipation by Davis. The Office Action provides further comments about Davis in a "Response to Arguments" section.

The Davis reference has been discussed in detail in Applicant's responses to prior Office Actions, and rather than repeat those discussions here they will just be incorporated by reference. At this stage it is sufficient to note that Davis splices audio segments together by moving a window at the beginning of one segment until a good match is found with the end of the preceding segment. In contrast, Applicant thins out data blocks and merges the data blocks that remain after the thinning by adjusting the amplitude at the beginnings or ends of the remaining data blocks.

The "Response to Arguments" section of the Office Action takes the position that Davis, by moving his window, is actually varying the amplitude of his second segment. However, claim 1 (for example) refers to varying the amplitude of units of data in a data block, not varying the amplitude of a data block. Davis searches for a window position that conforms the waveforms that are to be joined, without increasing or decreasing the audio data itself.

Despite this disagreement about the Davis reference, claim 1 is has been amended to recite that "the amplitude-varying curve is calculated accordingly to a simply increasing or decreasing function." Independent claim 6 has been amended in a similar manner. Davis does not changes his sequence of data by calculation in order to achieve a smooth concatenation between data blocks. Instead, Davis achieves a smooth concatenation by adjusting the point on one waveform where it is to be joined to another waveform. Accordingly, it is respectfully submitted that claims 1 and 6 are patentable over Davis.

Turning now to independent claim 11, this claim recites "a first sequence of data blocks each of which consists of a predetermined number of units of data, the predetermined number being the same for all of the data blocks in the first sequence." Claim 11 also recites that data blocks are removed from the first sequence "to form a second sequence of data blocks ...". Applicant has previously argued that the data blocks in the second sequence must all have the same number of units of data since the data blocks in the second sequence are what remain after the removal of some of the equal-size data blocks in the first sequence. In contrast, Davis has no teaching of starting out with equal-size data blocks, and furthermore his data blocks change in size during Davis' splicing operation due to his moving window.

The "Response to Arguments" section of the Office Action comments:

Applicant is asserting that the sizes of Davis blocks differ. However, this is untrue. It is actually the amount of blocks that differ in the Davis reference.

It might appear from a casual inspection of Figures 1c and 1d of the Davis reference that the sizes of Davis' segments remain unchanged. Closer inspection, though, reveals that this is not true. The attachment to this Amendment is an enlarged size copy of Figures 1a-1d of the Davis reference, superimposed on a regular grid. Attention is invited to the portions highlighted in yellow. When the splice points B and D in Figure 1c are changed to B' and D' in Figure 1d, it is clear that the size of Davis' middle segment is changed. Admittedly, patent drawings are intended for purposes of explanation and not for use as blueprints. Nevertheless, it is respectfully submitted that the attachment is sufficient to dispel any notion that the size of Davis' segments remains unchanged.

The "Response to Arguments" section suggests that the data blocks of claim 1 can be interpreted as the digital samples in Davis. Such an interpretation is not tenable. First, this is not at all how an ordinarily skilled person who had read the present application would interpret the term "data blocks." Claim language can be interpreted broadly during prosecution, but only as broadly as is reasonably possible. It is respectfully submitted that interpreting "data blocks" as samples would be unreasonable in the context of the present invention.

Finally, claim 11 provides that the data blocks consist of "a predetermined number of units of data." Just what would be the "units of data" in Davis' samples? Individual bits? Then what would become of the recitation, in claim 11, of "a conversion unit for varying for amplitude of units of data ..."? Clearly, there is no varying of the amplitude of bits in the Davis reference.

For the foregoing reasons, it is respectfully submitted that the independent claims are patentable over Davis. Since the remaining claims depend from the independent claims and recite additional limitations to further define their inventions, they are patentable along with the independent claims and need not be further discussed.

Reconsideration of this application is respectfully requested in view of the foregoing comments.

Respectfully submitted,



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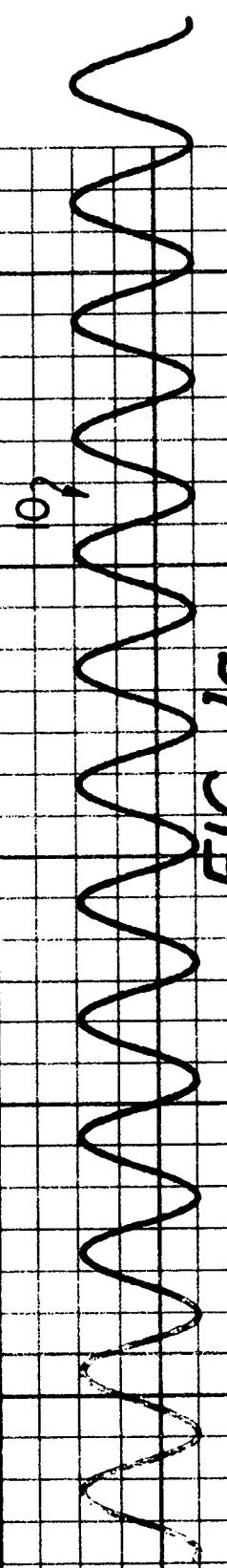


FIG. 1a

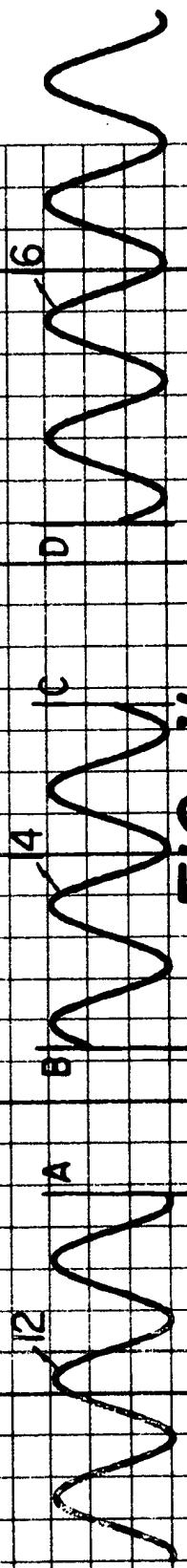


FIG. 1b

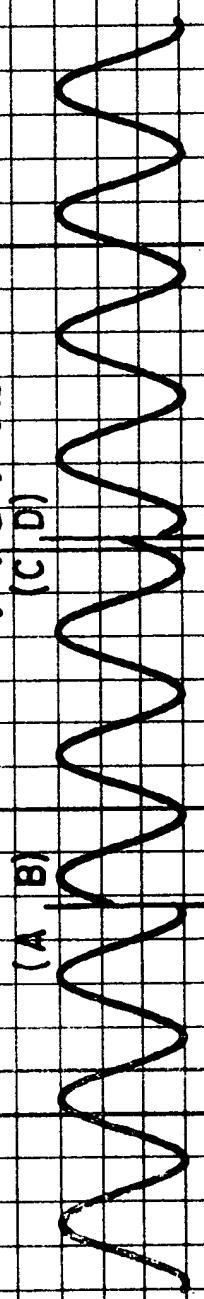


FIG. 1c (PRIOR ART)

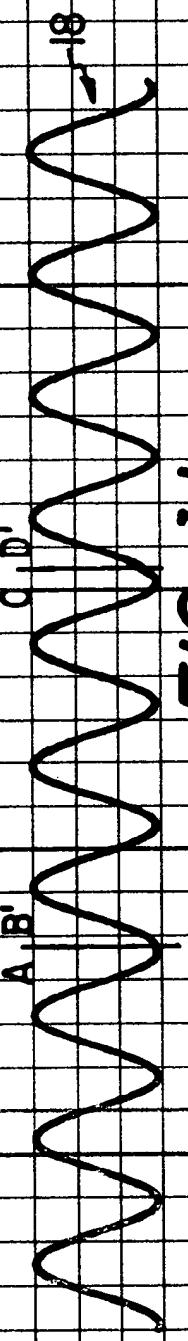


FIG. 1d